

AMENDMENT UNDER 37 C.F.R. § 1.111
U. S. Application No. 09/783,129

REMARKS

Claims 1-9 are all the claims pending in the application.

Claim Rejections under 35 U.S.C. § 112

Claims 7 and 9 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 7 and 9 are amended herewith to correct these informalities.

Claim Rejections under 35 U.S.C. § 102

Claims 3, 4 and 8 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Doshi et al. (U.S. Patent No. 5,936,965). To be an “anticipation” rejection under 35 U.S.C. § 102, the reference must teach every element and limitation of the Applicant’s claims. However, Applicant submits that Doshi fails to teach a length indicator field which identifies the length of the length field. Doshi teaches placing a length indicator field in the header to replace the flag-based demarcation. However, the length indicator field of Doshi “indicates the number of payload bytes in a respective VL PDU.” See col. 2:35-36. Claims 3, 4 and 8 require the length indicator field to identify the length of the “length field” not the length of the payload. Therefore, since Doshi fails to teach adding a length indicator field which identifies the length of the “length field,” we believe that Doshi fails to anticipate claims 3, 4 and 8.

Claim Rejections under 35 U.S.C. § 103

Claims 1 and 2 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Stacey et al. (U.S. Patent No. 6,590,909) in view of Doshi et al. To establish a *prima facie* case of obviousness the Examiner must show that the prior art references, when combined, teach or

AMENDMENT UNDER 37 C.F.R. § 1.111

U. S. Application No. 09/783,129

suggest all of the claim limitations. *See MPEP § 2143.* Applicant submits that the references cited above by the Examiner fail to teach or suggest all of the claim limitations as set forth in the present application. Specifically, the cited references fail to teach or suggest adding error checking or protection codes to each of the divided header information. The Examiner relies on the teachings of Stacey to teach this feature. However, Stacey teaches that error correction is added only to the payload of the mini-cell. Claims 1 and 2 require that error correction be added to each of the divided header information. In other words, Stacey teaches to add error correction to one part of the divided header information but not to each of the parts of the divided header information. Since Kurobe fails to cure the deficient teachings of Stacey, the cited references fail to render obvious claims 1 and 2.

Claims 5 and 6 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Doshi et al. in view of Kurobe et al. (U.S. Patent No. 6,233,251). As discussed in section II above with respect to claims 3, 4 and 8, Doshi fails to teach adding a length indicator field. Since Kurobe fails to cure the deficient teachings of Doshi with respect to the length indicator field, claims 5 and 6 are patentable at least by virtue of their dependency from claim 4.

Claims 7 and 9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kurobe et al. in view of Doshi et al. Applicant submits that Kurobe and Doshi fail to teach transmitting a blank data block to the upper layer when an error is detected. The Examiner relies on Kurobe to teach this feature. However, Kurobe teaches to discard the data block when an error is detected and only send a data block to the upper layer when no error has been detected. In other words, Kurobe does not teach or suggest sending a blank data block to the upper layer when an error is detected. Doshi fails to cure this deficiency. Therefore, Applicant submits that

AMENDMENT UNDER 37 C.F.R. § 1.111
U. S. Application No. 09/783,129

the Examiner has failed to establish a *prima facie* case of obviousness, since the cited references do not teach or suggest all of the claim recitations.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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